

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 1301:7-9-03

**Rule Type:** No Change

**Rule Title/Tagline:** Reporting requirements for hazardous substances and list of hazardous substances.

**Agency Name:** Department of Commerce

**Division:** Division of State Fire Marshal

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#### I. Rule Summary

1. **Is this a five year rule review?** Yes
  - A. **What is the rule's five year review date?** 6/7/2022 and 06/04/2027
2. **Is this rule the result of recent legislation?** No
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3737.88(A), 3737.88(D)
5. **What statute(s) does the rule implement or amplify?** 3737.88(A), 3737.88(D)

6. **What are the reasons for proposing the rule?**

Five-year rule review required pursuant to ORC 106.03.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The U.S. EPA requires the State Fire Marshal to regulate hazardous substance USTs. To comply with federal law, Revised Code 3737.88(D) requires the State Fire Marshal to adopt a list of hazardous substances for the underground storage tank program consistent with and equivalent in scope to a corresponding federal list.

The federal list has not changed since the previous filing of this rule; therefore, SFM-BUSTR is filing this rule as a No Change rule.

8. **Does the rule incorporate material by reference? No**
9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

*Not Applicable*

## **II. Fiscal Analysis**

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

*Not Applicable*

*Not Applicable*

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

*Not Applicable*

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). Yes**

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

*Not Applicable*

### **III. Common Sense Initiative (CSI) Questions**

**16. Was this rule filed with the Common Sense Initiative Office? Yes**

**17. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

**B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? No**

**C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

The rule requires the release or suspected release of a hazardous substance to be reported to both the State Fire Marshal and the local fire department. This report may be accomplished with a telephone call.

**D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

## Rule Summary and Fiscal Analysis

### Part C - Environmental Rule Questions

Pursuant to Am. Sub. H.B. 106 of the 121st General Assembly, prior to adopting a rule or an amendment to a rule dealing with environmental protection, or containing a component dealing with environmental protection, a state agency shall:

- (1) Consult with organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment.
- (2) Consider documentation relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or rule amendment.
- (3) Specifically identify whether the proposed rule or rule amendment is being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program, whether the proposed rule or rule amendment is more stringent than its federal counterpart, and, if the proposed rule or rule amendment is more stringent, the rationale for not incorporating its federal counterpart.
- (4) Include with the proposed rule or rule amendment and rule summary and fiscal analysis required to be filed with the Joint Committee on Agency Rule Review information relevant to the previously listed requirements.

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**(A) Were organizations that represent political subdivisions, environmental interests, business interests, and other persons affected by the proposed rule or amendment consulted? Yes**

**Please list each contact.**

API-Ohio  
County Commissioners' Association of Ohio  
County Engineers Association of Ohio  
Ohio Chamber of Commerce  
Ohio Contractors Association  
Ohio Council of Retail Merchants  
Ohio Department of Development  
Ohio Department of Transportation  
Ohio Environmental Council  
Ohio Fire Chiefs' Association  
Ohio Hospital Association  
Ohio Manufacturers' Association  
Ohio Municipal League  
Ohio Petroleum Contractors Association  
Ohio Petroleum Marketers and Convenience Store Association, nka Ohio Energy and Convenience Association

Ohio Petroleum UST Release Compensation Board  
Ohio School Boards Association  
Ohio Township Association

- (B) Was documentation that is relevant to the need for, the environmental benefits or consequences of, other benefits of, and the technological feasibility of the proposed rule or amendment considered? Yes**

**Please list the information provided and attach a copy of each piece of documentation to this form. (A SUMMARY OR INDEX MAY BE ATTACHED IN LIEU OF THE ACTUAL DOCUMENTATION.)**

The State Fire Marshal relies on a list of hazardous substances adopted by the U.S. EPA. Revised Code section 3737.88(D) requires the State Fire Marshal to adopt a hazardous substance list equivalent to and consistent with the federal list. The federal list can be found at 40 CFR 302.4, Appendix A.

- (C) Is the proposed rule or rule amendment being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program? Yes**

**Is the proposed rule or rule amendment more stringent than its federal counterpart?**  
*No Not Applicable*

- (D) If this is a rule amendment that is being adopted under a state statute that establishes standards with which the amendment is to comply, is the proposed rule amendment more stringent than the rule that it is proposing to amend? No**